

**3714. Adulteration and misbranding of Uni-Swabs. U. S. v. 360 Packages \* \* \*.**  
(F. D. C. 32866. Sample No. 10497-L.)

**LIBEL FILED:** March 12, 1952, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about January 24, 1952, by Steri-Swabs, Inc., from Hollis, Long Island, N. Y.

**PRODUCT:** 360 packages of *Uni-Swabs* at Detroit, Mich. The product consisted of pledgets of absorbent cotton on sticks.

**LABEL, IN PART:** (Package) "200 Individual Uni-Swabs, Sterile When Packed."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the purity and quality of the article fell below that which it purported and was represented to possess since the label declared that the article was sterile when packed, whereas it was not sterile when packed but was contaminated with living micro-organisms.

Misbranding, Section 502 (a), the label statement "Sterile When Packed" was false and misleading.

**DISPOSITION:** April 4, 1952. Default decree of condemnation and destruction.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

**3715. Misbranding of Diaplex. U. S. v. 2 Cases \* \* \*. (F. D. C. No. 31706.**  
Sample Nos. 13633-L, 13634-L.)

**LIBEL FILED:** On or about September 21, 1951, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about August 27, 1951, by John McVey, identified as H. W. Pierce, from Carr, Colo.

**PRODUCT:** 2 cases, each containing 25 cartons, of *Diaplex* at Clarksdale, Mo. Examination indicated that the product was a species of saltbush, such as *Atriplex canescens*.

**LABEL, IN PART:** (Some cartons) "Diaplex for Diabetics \* \* \* for further information address % H. W. Pierce, Wellington, Colo., U. S. A. \* \* \* Net Weight 12 ounces avoirdupois"; (other cartons) "Diaplex Directions (For a delicious beverage \* \* \*."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on some of the carton labels were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for diabetes, and that use of the article by diabetics would render treatment with insulin unnecessary. The article was worthless in the treatment of diabetes.

Further misbranding, Section 502 (e) (1), the label of the article failed to bear the common or usual name of the drug.

**DISPOSITION:** On or about October 19, 1951. Default decree of condemnation and destruction.

**3716. Misbranding of Diaplex. U. S. v. 5 Cartons \* \* \*. (F. D. C. No. 32219.**  
Sample No. 21142-L.)

**LIBEL FILED:** On or about December 18, 1951, Northern District of Texas.

\*See also Nos. 3712-3714.

**ALLEGED SHIPMENT:** On or about September 12, 1951, by Mrs. H. W. Pierce, from Carr, Colo.

**PRODUCT:** 5 cartons, each containing 12 ounces, of *Diaplex* at San Angelo, Tex. Samples taken from other shipments of *Diaplex* were found to consist of a species of saltbush, such as *Atriplex canescens*.

**LABEL, IN PART:** (Carton) "Diaplex for Diabetics \* \* \* for further information address c/o H. W. Pierce, Wellington, Colo."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements borne on the carton label were false and misleading: "Diaplex for Diabetics \* \* \* A diabetic should drink \* \* \* Diaplex \* \* \* watch the urine test daily and you will be amazed at the results. \* \* \* Persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal functions, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, and eventually eliminate the insulin entirely. But continue the use of Diaplex until you are well and strong. Persons who have never used insulin, and not in coma, will find it unnecessary to do so. All that will be required is to adhere to a good diabetic diet and drink two quarts of Diaplex for a few months, and like thousands of others he, too, will rejoice in the grand activity of good health and vigor." These statements represented and suggested that the article was an adequate and effective treatment for diabetes, and that its use would render unnecessary the use by diabetics of insulin, whereas the article was not an adequate and effective treatment for diabetes, and its use would not render unnecessary the use by diabetics of insulin.

**DISPOSITION:** April 21, 1952. Default decree of condemnation and destruction.

**3717. Misbranding of liver extract. U. S. v. 169 Packages \* \* \*. (F. D. C. No. 32430. Sample No. 26648-L.)**

**LABEL FILED:** January 14, 1952, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 9 and December 3, 1951, by the Lederle Laboratories, Division American Cyanamid Co., from Pearl River, N. Y.

**PRODUCT:** 169 packages, each containing 3 1-cc. vials, of *liver extract* at Philadelphia, Pa.

Examination disclosed that the product contained approximately 10 micrograms of vitamin B<sub>12</sub> per cubic centimeter.

**LABEL, IN PART:** (Package) "Concentrated Solution Liver Extract \* \* \* Each cc contains 20 Microgm of Vitamin B<sub>12</sub> by Biological Assay."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statement "Each cc contains 20 Microgm of Vitamin B<sub>12</sub>" borne on the label was false and misleading since the product contained less than that amount of vitamin B<sub>12</sub>.

**DISPOSITION:** April 22, 1952. Default decree of condemnation and destruction.

**3718. Misbranding of vitamin tablets. U. S. v. 864 Packages, etc. (F. D. C. No. 31202. Sample No. 25305-L.)**

**LABEL FILED:** June 18, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** During April 1945, by Major Vitamins, Inc., from New York, N. Y.

**PRODUCT:** 864 24-tablet packages, 1,008 48-tablet packages, and 1,008 cartons, each carton containing 1 100-tablet bottle, of *vitamin tablets* at Conshohocken, Pa.